

*My Lords of Council and Session, Your
Servitors, the Tradesmen of the Burgh of
Stirling, unto Your Lordships*

Humbly Sheweth,

That whereas, in all mutual Declarators depending betwixt Us and the Dean of *Gild*, in relation to the Priviledge of Tradeing, your Lordships Repelled our Declarator; And sustained the Declarator raised by the *Dean of Guild*; and found that a Tradesman cannot Merchandise unless he Renounce his Trade: As to which we humbly Represent, that this being a Matter of General concernment to all the Craftsmen of the Nation, and to Us in particular; We humbly crave Lieveto lay before your Lordships the following Grounds, why our Declarator ought to be Sustained, and that we ought to be Allowed to Trade in the Particulars mentioned in our Declarator, *viz.* That we may Trade in Buying and Selling the Native Commodities of the Countrey, and Transport the Native Commodities by Land, and Retail Forraign Commodities, providing we Buy the same from a Merchant and Guild Brother of any Royal Burgh without being Obligated to Renounce our Craft, and that for these Reasons.

1. It is provided by the 5th. Act in the Year 1672, that it shall be *Leisum* to any of His Majesties Subjects, or any Person that shall Buy from them, by Sea or Land, all manner of Cornes that are of the Growth of the Kingdom, all manner of Cattell, Coals, Salt, and Wool, Skins, Hydes and all other Native Commodities of the Kingdom, which is Confirmed by the 12th. Act in the Year 1690; by which it is provided, that the Exporting by Sea, of all Native Commodities of the Kingdom, doth belong to Freemen Inhabitants of the Royal Burrows, except Cornes, Cattell, Horse, Sheep, Mettels, as to which, it is left to any Person to Trade in: As also, all the Leidges are Allowed to Transport by Land, all Native Commodities.

2. By the said Act 1690, the Inhabitants of Burghs of Regality, Baronies, and others, are allowed to Trade in Buying and Selling all Native Commodities, and likewise to retail all Forraign Commodities, providing they buy these Forraign Commodities from some of the Freemen of the Royal Burrows by which it is evident that any person whether Merchant or Tradesman, or Freeman or not may Trade in these particulars upon the Terms of the Act.

3. By the 31st Act in the year 1693 anent the Communication of Trade, it is declared, that the Parliament considering how just and advantageous the Communication of Trade would be to the whole Leidges, when the same is granted to the Royal Burrows for Relief of a proportional Burden, imposed upon them for their Trade; therefore the Communication of Trade, is allowed to all the Inhabitants of Burghs of Regality, Barony and others

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providing they pay a proportional part of the Burden to the Royal Burghs for their Relief. By which it is evident, that the design of the said Act is plainly this, that every person in the Nation should have the benefit of Trade, providing they pay a Proportion of the Publick Burdens with the Royal Burrows; So that seing we are Stented, and are Willing, and does pay a Proportion of the Publick Burdens of the Burgh, we ought to have the Benefit of Trade, conform to the said Act.

4. The Benefite of Trade that is competent to any of the Leiges, who are not Burgeses of Royal-Burghs, cannot be denyed to us, nor can we be in a worse case as to our Liberty of Trading, that we are Burgeses, than if we were not, neither can we conceive how that Priviledge of Trading should be refused to us that is competent by the Laws to any Subject; For by that Rule if this should be denyed to us, we should not be allowed to sell a Pint of Ale, or a Loaf of Bread, unless we renunce our Craft, which we think will hardly be asserted.

5. As Craftsmen by the Law may Trade in these particulars, so it is the Interest of the Nation, that all should be allowed to trade in the same, because the more persons that are allowed to trade, it will make Trade more universal, and the Leidges will be better served, and at cheaper Rates than when they are restricted to a few persons.

6. If Craftsmen were not allowed to Trade in Merchandizing, without quitting and giving over their Trade, it might fall out in a place that all the Trademen might give over their Crafts, of purpose to have the Priviledge of Merchandizing. and then how should the Countrey be served as to these Trades; And many of these Trades are so mean and inconsiderable, that in several places they could not subsist and maintain their Families by their Trade, unless they were allowed to Merchandize in the foresaid particulars.

7. As we have Right by Law, to Trade in the saids Particulars, so we have been in constant use past all memory of man, to Trade in native Commodities, without obliging us to renounce our Trade, so that we cannot be restrained to use Merchandize as to these particulars, in which we have been always in use to Trade.

8. The practice of other Royal Burghs of the Nation, and particularly of the Burgh of *Edinburgh*, ought to be the Rule in such Cases. And it is very well known that in *Edinburgh* and all other Royal Burghs of the Nation, Trademen may Trade in all native Commodities, and Export the same off the Countrey, and Retail Forreign Commodities, which they buy from Freemen of Royal Burrows.

9. It is the practice of the same Burgh of *Stirling*, that persons of several Crafts in the Town, are allowed to Merchandize, and to keep Shops, such as Litsters, Coupars, Wrights, Glasiers, Masons, and several other Trades; and some of these Trades are not only allowed to keep Shops and exercise Merchandize, but are admitted to the Magistracy; And at present, there is one of the Baillies a Coupar, another a Litster, and a third a Glasier who is a Counsellor, and yet still exercises their several Crafts, and are not obliged to renounce the same: and how that Priviledge can be denyed to us who are of other Crafts it is altogether past our Comprehension.

10. The Dean of Guild and Merchants were so convinced, that there was no ground to restrain us from Trading in the native Commodities of the Countrey, without renouncing our Craft, that there is not so much as mention made of

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of that in all their Declarator: For all that they Lybel and crave, is only that we may be Discharged to trade in Staple and Forreign Commodities. As to which, all we crave, is only that we may be allowed to Retail Staple Commodities, which we shall buy from Freemen of Royal Burrows, as is clearly allowed by the foresaids Acts of Parliament.

And whereas it is alledged, that the late Acts of Parliament are only to be understood in the terms of the old Act of Parliament of King James the 3d, by which no Craftsman can exercise Merchandize unless he renounce his Craft: As also, that the foresaids late Acts of Parliament, are only in favours of Inhabitants of Burghs of Barony and Regality, and not in favours of Craftsmen, Burgeses of Royal Burghs.

It is answered, That the foresaids Acts of Parliament, and Reasons above-mentioned are opposed, by which all the Leidges are allowed to Trade in the saids particulars: and that which is allowed to every person in the Nation, cannot be denied to Craftsmen Burgeses of Royal Burghs, *et qui omni dicit nihil excipit*; And seing by the said Act, all and every one of the Leidges are allowed to Trade in the foresaids particulars, much more Craftsmen, who are Burgeses of Royal Burghs, & may pretend to greater priviledges by their being Burgeses, maybe allowed to Trade in the samen, & that without being obliged to renounce their Craft, and whatever is provided by the foresaid old Act of Parliament; yet the same is altered and innovat by the late Acts of Parliament, in relation to Trade. 2. The saids late Acts of Parliament are not only in Favours of Burghs of Barrony and Regality, but likewise of the whole Leidges, and as the Act mentions the Inhabitants of Burghs of Regality and Barrony, so it likewise says, and of all others, and this Word (*all others*) does certainly comprehend all persons without distinction, whether they be Craftsmen, Inhabitants of Burghs Royal or else where, and it will seem very strange, that that Priviledge that is allowed to an Inhabitant of a Burgh of Regality or Barrony, should be denied to an Inhabitant of a Burgh Royal, much more that it should be denied to a Craftsman Burges of a Royal Burgh: so that the utmost import of the foresaid Act of Parliament of K. James the third, as the Law now stands can only be this, That before any Craftsman be admitted to Trade, as to the importing of Forreign Commodities and exercising Merchandice as to these things that are only peculiar to Merchants, that they should renounce their Craft, but as to all manner of Trading and Merchandizing that is competent to any of the Leidges, such as the Trading in Native Commodities, and Retailing of Foreign Commodities, which they buy from Merchants Freemen of Burghs Royal, Craftsmen as well as others, ought to be allowed to Trade in the samen, without being obliged to renounce their Crafts.

It is therefore humbly craved, That your Lordships may be pleased to resume to your consideration the foresaid Interlocutor, and to sustain our Declarator, and that we may be allowed to Trade in the saids particulars, without being obliged to renounce our Crafts: And if any difficulty remained, this being a matter of universal concernment to all the Craftsmen in the Nation, and of very great consequence to us in particular: and that this will be a leading case, that we may be allowed a Hearing in your own presence and your Lordships Answer:

